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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,728	09/19/2003	Jennifer Amys	1640.001US1	6050

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EXAMINER

ADAMS, CHARLES D

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,728

Applicant(s)

AMYS ET AL.

Examiner

Charles D. Adams

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 13 July 2006, claims 1-3 are amended.
Claims 1-3 are pending in the application.

Claim Rejections - 35 USC § 112

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims contain subject matter that is optionally recited. As such, the claims bear no patentable weight. See MPEP § 2106 Section II(C):

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. >See also MPEP § 2111.04.<

The final limitation of the claims, "data associated with a single transaction and stored in each of the transaction specification database, the life cycle Index table, the archive database, and the log detail database is searchable in a single query" bears no patentable weight because no searching is actually occurring. No positive recitation of

"searching data" exists. Instead, data is listed as being "searchable". This is not the same as "searching".

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible result. To perform a physical transformation, the claimed invention must transform an article or physical object into a different state or thing. Transformation of data is not a physical transformation. A useful, concrete, and tangible result must be either specifically recited in the claim or flow inherently therefrom. To be useful the claimed invention must establish a specific, substantial, and credible utility. To be concrete the claimed invention must be able to produce the same results given the same initial starting conditions. To be tangible the claimed invention must produce a practical application or real world result.

In this case the claims fail to perform a useful result because the claims recite a list of different databases. No searching or retrieval of data is taking place. There is no positive recitation of searching for data, and either presenting results of a search to a user or storing the results of a search. Therefore, the claim as written contains no useful result.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanai (US Pre-Grant Publication 2004/0205006).

As to claim 1, Kanai teaches:

Two or more different software systems producing electronic data relating to a transaction involving documentation communicated in an electronic form (see Kanai paragraphs [0094], [0097], [0099]. Each site has its own software system. Also see paragraph [0130]. A GET request is sent from a management computer to a shop computer. Also see paragraph [0134]. The shop computer is registering a transaction ID and a shop ID);

Processing copies of the electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item (see paragraphs [0130] and [0134]. The GET request is processed and electronic documentation items are identified. The request is sent to a shop computer and

therefore contains the identity of the shop computer (a key value), along with “the reservation content”, such as a date and time (also key values). Also see step [12] of Figure 4);

Using the at least one key value to look up a transaction identifier associated with the transaction (see paragraphs [0130] and [0131]. The identity of the shop computer is used to determine what shop computer to connect to. The shop computer then determines a transaction ID. Also see paragraph [0165], which further reinforces that the transaction ID is determined by a shop computer. Therefore, the key value (the shop computer identity) is used to look up a shop computer, which then determines, or looks up, a transaction identifier), wherein the transaction includes one transaction identifier and two or more associated key values (see paragraphs [0130] and [0134]. Items date and time are included with the transaction. Those are examples of ‘key values’);

Indexing the documentation items according to the at least one key value and transaction identifier (see paragraphs [0134]-[0135] and Figure 9. The documentation items (reservation information) are stored according to the key value (a shopID is stored according to the shop identification) and transaction identifier);

Archiving the documentation items in a data storage system or device (see paragraph [0134] and Figure 9. The documentation items (reservation information) are saved in a database); and

Logging one or more of a date and time associated with at least some of the documentation items (see paragraph [0139] and Figure 9. A date and time are saved in a database along with at least some of the documentation items).

As to claim 2, Kanai teaches:

A transaction specification database that contains specifications and schema for one or more transaction types and key values of each transaction type (see paragraph [0131] and Figure 9. Shop ID is a key value);

A life cycle Index table that contains the key values of the processed transactions and assigned life cycle IDs for the key values (see paragraph [0131] and Figure 9. The ID for a transaction is functionally equivalent to a life cycle ID, as the transaction will possess that ID for its 'life cycle');

An archive database that contains the archived documents or items and their life cycle IDs (see paragraph [0131] and Figure 9. The database shown contains the archived documents (cart message), and their 'life cycle IDs' (transaction ID));

A log details database that provides chronological order to transactions by logging and time stamping each transaction parsed (see paragraph [0131] and Figure 9); and

Wherein:

Transaction data stored within the data structure is associated with transactions (see paragraph [0135] and Figure 9); and

The remainder of the claim is bears no patentable weight, as it is intended use.

Data associated with a single transaction and stored in each of the transaction specification database, the life cycle Index table, the archive database, and the log detail database is searchable in a single query (see paragraph [0164] and Figure 14.

The data in the transaction database can be displayed with a single call to output all items currently in the 'shopping cart' for a specific user).

As to claim 3, Kanai teaches:

A first interface used to couple the system with a first external system producing first electronic data relating to a transaction involving documentation communicated in an electronic form, wherein the first electronic data includes at least a first key value (see paragraph [0083]. A client computer is external from the transaction management system (see paragraph [0130]));

A second interface used to couple the system with a second external system producing second electronic data relating to the transaction, wherein the second electronic data includes at least a second key value (see paragraph [0130]. The vendor computer is also external from the transaction management system. Also see paragraph [0145]. The shop computer can be configured to also pass on a customer ID, which is a 'key value'); and

Wherein the system is operable to:

Process copies of the first and second electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item (see paragraph [0130]. The Transaction Management System processes electronic data received from both client computers and shop computers. The electronic data received from the first external system (the client), in the form of a GET request, contains the identity of the shop computer

(the identity of the shop computer is a key value) and reservation information (electronic documentation). The second electronic data, when received from the vendor system, is processed to identify documentation items, a shopID, and a transaction ID);

Use the key value to look up a transaction identifier associated with the transaction (see paragraphs [0130] and [0131]. The address of the shop computer is used to determine what computer to connect to. The shop computer then determines a transaction ID);

Index the documentation items according to key value and transaction identifier (see paragraph [0134] and Figure 9. The documentation items (reservation information) are stored according to the key value (a shopID is stored according to the shop identification) and transaction identifier);

Archive the documentation items (see paragraph [0134] and Figure 9. The documentation items (reservation information) are saved in a database); and

Log one or more of a date and time associated with at least some of the documentation items (see paragraph [0139] and Figure 9. A date and time are saved in a database along with at least some of the documentation items).

Response to Arguments

6. Applicant's arguments filed 13 July 2006 have been fully considered but they are not persuasive.

Applicant's argument "that each of the client computer 3, transaction management computer 1, and the shop computer 2 are pieces of a single software system that operate cooperatively to generate hotel reservations" is incorrect. The three listed computers exist in three separate locations. Each site has its own software system (see paragraphs [0094], [0097], and [0099]).

Applicant argues that Kanai does not teach two or more key values associated with a transaction. This argument is incorrect. As seen in Figure 9 of Kanai, the table holds multiple key values associated with a transaction (also see paragraphs [0130] and [0134]. Items date and time are included with the transaction. Those are examples of 'key values')

Applicant argues that Kanai does not teach "using the key value to look up a transaction identifier associated with the transaction". This argument is incorrect. As stated above, the shopID, in this example, 'sah', is a key value. 'sah' is part of an address used (see Figure 4) by the client computer to determine what computer to connect to. The shop computer determines a transaction identifier, as seen in the rejection to claim 1. Therefore, the key value is used to 'look up' a transaction identifier.

Applicant argues that Kanai does not teach "data associated with a single transaction and stored in each of the transaction specification database, the life cycle Index table, the archive database, and the log database". This argument is incorrect. In

the claims, this language is followed by the statement "is searchable in a single query", which, as stated above, renders this recitation optionally recited. Also, Kanai does teach data associated with a single transaction being stored in each of a transaction specification database (see paragraph [0131] and Figure 9. Shop ID is a key value), the life cycle Index table (see paragraph [0131] and Figure 9. The ID for a transaction is functionally equivalent to a life cycle ID, as the transaction will possess that ID for its 'life cycle'), the archive database (see paragraph [0131] and Figure 9. The database shown contains the archived documents (cart message), and their 'life cycle IDs' (transaction ID)), and the log detail database (see paragraph [0131] and Figure 9).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Adams
AU2164



SAM RIMELL
PRIMARY EXAMINER